

### **REMARKS**

#### **Status of the Claims**

Claims 1-3 are pending in the present Application. The Applicants affirm the election of the invention of Group I, claims 1-3, in response to the Restriction Requirement. Claims 1-3 are currently amended and claim 4 is canceled. Reconsideration and allowance of all of the pending claims is respectfully requested.

New matter is not being introduced into the Application by way of this amendment. The amendments to claim 1 are supported in original claim 4, and at page 6, line 1 of the specification. The amendment to claim 2 is supported in original claim 4. The amendment to claim 3 is supported in original claim 4, and at page 6, line 1 of the specification.

Accordingly, entry of this amendment is appropriate and respectfully requested.

#### **Specification**

At pages 3-4 of the Office Action, the Examiner objects to the Abstract because of the use of the term "comprising."

The Abstract is currently amended to avoid the use of the term "comprising." Withdrawal of this Objection is therefore respectfully requested.

At page 4 of the Office Action, the disclosure is objected to over the inconsistent spelling of the word "hexamethylenetetramine."

The Specification is currently amended to address the Examiner's Objection and provide a consistent spelling of the word hexamethylenetetramine. Withdrawal of this Objection is therefore respectfully requested.

### **Claim Rejections – 35 U.S.C. §102**

At page 4 of the Office Action, claims 1-3 are rejected under 35 U.S.C. §102(b) as anticipated by Fukumoto '161 (EP 675161 A1). At page 6 of the Office Action, claims 1-3 are rejected under 35 U.S.C. §102(b) as anticipated by Sandstrom '459 (U.S. Patent No. 5,229,459). For the following reasons, each of these rejections is respectfully traversed.

#### *1. The Present Invention*

In the present invention, a sufficient stability of the unvulcanized rubber, a prevention of the elastic modulus from increasing after running, and a prevention of the elongation at break and Adhesion level from decreasing after running, are provided. These benefits can only be obtained when the components (1) "4 to 6 parts by weight of sulfur," (2) "0.5 to 2.0 parts by weight of a resin containing resorcin or a derivative thereof," (3) "0.5 to 2.0 parts by weight of a compound capable of donating a methylene group," and (4) "blending cobalt stearate" are combined, as presently recited in claim 1.

As shown in Experimental Example 1 and 2 of Table 1 of the attached **Declaration under 37 C.F.R. §1.132, by Yoichi MIZUNO**, when rubber components contain all of the above components (1) to (4), the difference in the Mooney viscosity between the new rubber

composition, and the rubber composition after leaving 20 days ( $\Delta ML_{1+4}$ ) are the excellent values of 4 and 3 respectively.

## 2. *Fukumoto '161*

Fukumoto '161 does not disclose or suggest the inclusion of cobalt stearate in their compositions as presently recited in claim 1. Fukumoto '161 blends "cobalt naphthenate" as a cobalt metallic salt. Therefore, the sufficient stability of the unvulcanized rubber is not obtained, even though the Fukumoto '161 composition contains components (1) to (3) recited in claim 1. As shown in Experimental Examples 3 and 4 of Table 1 of the MIZUNO Declaration, when the rubber components contain "cobalt naphthenate" instead of "cobalt stearate,"  $\Delta ML_{1+4}$  are the poor values of 10 and 7.

In addition, in the present invention, the rubber composition used for the strip located on a breaker edge prevents the decrease of the adhesion level over time. In Fukumoto '161, since the rubber composition is used for coating a steel belt, the intensity is especially desired, and preventing a decrease in the adhesion level is not an object of the Fukumoto '161 invention. This is shown by the fact that the adhesion level is not measured in Fukumoto '161.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Fukumoto '161 does not disclose or suggest the use of cobalt stearate in their

compositions. Therefore, Fukumoto '161 does not disclose or suggest all of the limitations of the present claim 1.

The Applicants respectfully submit that the rejection of claims 1-3 over Fukumoto '161 must now be withdrawn.

### *3. Sandstrom '459*

Sandstrom '459 does not disclose or suggest the use of cobalt stearate in their compositions. Sandstrom '459 also does not disclose or suggest the limitation of having a strip, which is located on a breaker edge, as a part of their invention. Sandstrom '459 therefore does not disclose or suggest all of the limitations of present claim 1, and cannot anticipate the presently claimed invention.

Sandstrom '459 illustrates only cobalt stearate and cobalt naphthenate as examples of cobalt compounds. In the Example of Sandstrom '459, only a "cobalt salt" is mentioned, and Sandstrom '459 does not further specify what is meant by a "cobalt salt." Therefore, one skilled in the art would have no teaching with regard to the inclusion of cobalt stearate in rubber compositions as presently claimed.

In addition, in the present invention the rubber composition is used for the strip that is located on a breaker edge. In Sandstrom '459, the rubber composition is used for other applications, and Sandstrom '459 does not mention using their compositions as a strip located on

a breaker edge in a pneumatic tire. Thus, Sandstrom '459 also does not disclose or suggest the limitation in claim 1 of a strip, which is located on a breaker edge.

Accordingly, Sandstrom '459 does not disclose or suggest all of the elements of present claim 1, as currently amended. The rejection of the claims over Sandstrom '459 must now be withdrawn.

### **Conclusion**

The Applicants respectfully submit that the present invention is patentable over the prior art. Accordingly, an early reconsideration and Notice of Allowance are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present Application, the Examiner is respectfully requested to contact J. Mark Konieczny (Reg. No. 47,715) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present Application.

Application No. 10/757,530  
Amendment dated February 28, 2006  
Reply to Office Action of September 29, 2005

Docket No.: 1403-0261P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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